IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15268 of 2005

Between:

Shaik Masthan Saheb, Madina Saheb, Muslim,
West Godavari District,

..... PETITIONER

AND

1 State of Andhra Pradesh, Department of Revenue, Rep. by its Secretary, Secretariat Buildings, Hyderabad,
2 The Revenue Divisional Officer, Kovur, W.G. District,
3 The Mandal Revenue Officer, Attili Mandal, W.G. District,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more one in the nature of WRIT OF MANDAMUS declaring the action of the 3rd Respondent proposing to take possession of the Ac. 1-31 cents in R.S.No. 93/1 of manchili Village, Attili Mandal, West Godavari District purchased by the petitioner on 6-1-1967 as illegal, arbitrary and without jurisdiction and consequently direct the respondents not to take possession of the petitioner's property in an extent of Ac. 1-31 cents in R.S.No. 93/1 of Manchili Village, Attili Mandal, W.G. District and pass such other order or orders as deem fit and proper.

Counsel for the Petitioner: MR.I.RAMAKRISHNA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

ORAL ORDER:

The case of the petitioner is that he along with his wife purchased each 1-31 cents of land in R.S. No. 93/1 of Manchili village of West Godavari District by means of two

sale deeds dated 6-1-1967 from one Velagala Venkata Reddy. That the third respondent herein issued two separate notices to him and to his wife asking them to show cause why the land purchased by them could not be resumed under the A.P. Assigned Lands
(Prohibition of Transfers) Act, 1977 9 (for short 'the Act'} for which they submitted their explanations dated 7.3.2005. Not being satisfied with the said explanations, the third respondent directed the Mandal Revenue Inspector to take possession of the land and handover to the Panchayat Secretary for custody. It is further submitted that as against the said show cause notice, the petitioner filed an appeal before the 2nd respondent on 7.3.2005.

It is the grievance of the petitioner that the 2nd respondent has not disposed of the appeal preferred by her but on the other hand instructed the 3rd respondent to take possession of the land before he fixes a date for hearing of the appeal. Hence the present writ petition.

Heard the learned Government Pleader who took an objection with regard to the very maintainability of the writ petition since against the show cause notice issued to the petitioner herein, he had already preferred an appeal before the second respondent under Section 4-A of the Act and so the present writ petition is not maintainable.

However, as could be seen from the record, the third respondent has already passed the order of resumption. But I see some force in the contention of the learned Government Pleader. So the petitioner has to approach the appellate authority challenging the proceedings of the 3rd respondent dated 28-5-2005 invoking the relevant provisions of the Act. But the petitioner without going to the appellate authority, ventilating his grievance, has straight away come to this Court by way of this writ petition.

For the aforesaid, the writ petition fails and is dismissed at the stage of admission. No costs.

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kvsn 14-07-2005

To

1 The Secretary, Department of Revenue, State of AP, Secretariat Buildings Hyderabad.
2 The Revenue Divisional Officer Kovvur, W.G.District.
3 The Mandal Revenue Officer Attili Mandal, W.G.District.

4 Two CCs to GP for Revenue, High Court buildings, Hyderabad.

5 Two CD copies.